



# **PENNINGTON COUNTY STATE'S ATTORNEY'S OFFICE ANNUAL REPORT 2017**



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# A MESSAGE FROM THE STATE'S ATTORNEY...

Hello, Pennington County!

You are viewing the first ever annual report for the Pennington County State's Attorney's Office. Our hope by putting this in your hands is that you will get a better understanding of what it is that we do. I am very proud of the people who work here and the sense of purpose that drives what we do and I want to share that with you.

Most people understand that we prosecute crimes (11,115 in 2017). They may not know that we are also responsible for juvenile delinquencies (1,382). I suspect that very few people understand that we also play a leading role in diverting people out of the criminal justice system through our Juvenile Diversion and Young Adult Diversion programs.

But there is so much more to our work. Our Victim Advocates help victims navigate a system that is unfamiliar to them. We represent the community in Abuse and Neglect proceedings and at Mental Health commitment hearings. We advise the 13 Pennington County departments (and the Board of County Commissioners) whenever they have legal questions

and in numerous administrative and court hearings.

We are often called on to work with law enforcement agencies as they protect and serve the community in innovative ways, like the body-worn cameras that will soon be on every Pennington County deputy and Rapid City officer. We work with legislators to refine and improve our system of justice, both here in Pennington County and across the state.

What we do is not easy. We see some of the worst examples of human nature every day. But the pay-off is that we also get to see some of the most inspiring examples of grace and resiliency that you could possibly imagine. And we consider it a privilege to stand with them and to speak for them. Through it all, we do our very best to remember that we are servants of the community and that we represent all of you.

Thank you for your faith in us.

*Mark A. Vargo*

**Pennington County State's Attorney**





# CRIMINAL DIVISION

The Criminal Division of the Pennington County State's Attorney's Office has a dynamic staff of 15 attorneys, 13 legal secretaries and 7 victim advocates. We receive cases from numerous law enforcement agencies in the county including the Rapid City Police Department, Pennington County Sheriff's Office, the South Dakota State Highway Patrol, Game Fish and Parks, and the Box Elder Police Department. We are proud of our relationships with our brothers and sisters in law enforcement and enjoy our collaborative efforts to make our community a safe and secure place in which to live and raise our families.

Six of our deputy state's attorneys prosecute misdemeanor cases in magistrate court for offenses ranging from traffic citations to class one misdemeanors, such as driving under the influence of alcohol (first and second offenses) and simple assaults. Twelve of these cases went to jury trial. Each attorney is assigned to one of four magistrate courtrooms. In addition, we have a magistrate supervisor and a special domestic violence prosecutor. Magistrate attorneys handle four daily court dockets, in addition to dispositional conferences, preliminary hearings, motion hearings, court trials, and jury trials. The felony division consists of eight attorneys, assigned in pairs to prosecute cases in circuit courtrooms.

The criminal division is proud of our efforts to reduce crime, and promote compliance and rehabilitation of offenders—we participate in all of our circuit's specialty courts (DUI/Drug/Veterans). More information about other rehabilitative services will be discussed

later in this bulletin.

Attorneys from our division are also actively involved in domestic violence training, law enforcement training, the Child Death Review Committee, the WDT Law





Enforcement Board, the WAVI Board, City/ County Alcohol and Drug Program, Juvenile Justice Oversight Council, MniLuzahan Okolakiciyapi Ambassadors Work Group, Project Safe Neighborhood, the Pennington County Domestic Violence Task Force, and the West River Sex Trafficking Task Force.

I am the 15<sup>th</sup> attorney in the criminal division. In addition to my responsibilities as Chief Deputy, I also prosecute some of our homicide, child rape and special domestic violence cases. Felony level prosecution includes a broad variety of criminal offenses including illegal drug possession and ingestion, theft, burglary, habitual drunk drivers, aggravated assaults, rape, manslaughter and homicide cases. In 2017, fourteen of these were resolved by jury trial. In 2017, our office filed charges in 6193 Class 1 misdemeanor/ felony files, 4922 Class 2 misdemeanor files (court appearance required,) and 7223 payable tickets.

### Notable cases from 2017 include:

- State of South Dakota v. Nathan Chase.

In October of 2017, a Pennington County jury convicted Chase of Second Degree Murder for the death of Jeremy Little. Chase was sentenced to life in prison for this murder. Josh Hendrickson prosecuted this case.

- State of South Dakota v. Hunter High Pipe and Ranon Bissonette.

In June of 2017, High Pipe and Bissonette were sentenced for the 2015 murder of Ed Lowry. High Pipe was sentenced by Judge Robert Gusinsky to sixty years in prison, with ten of those years suspended. For his part in the murder, Bissonette received a sentence of 100 years in prison. This murder was the subject of a segment of the Investigation Discovery television

show "See No Evil." This case was prosecuted by Lara Roetzel, Heather Sazama and Mark Vargo.

- State of South Dakota v. Clifford Gilbert.

In November of 2017, Gilbert was sentenced to 50 years in prison for the 2016 beating death of Robert Smith, Jr. Gilbert pleaded guilty to Second Degree Murder. Josh Hendrickson prosecuted this case.

Wishing you a safe 2018!

**Lara Roetzel**  
**Criminal Chief**  
**Deputy State's Attorney**



## Criminal Staff



The Pennington County State's Attorney's Office criminal division staff is comprised of the State's Attorney, his Chief Deputy, felony Deputy Attorneys, misdemeanor Deputy Attorneys, and felony and misdemeanor legal secretaries. This team works tirelessly to help combat crime in our county.

## Criminal Attorneys

- Trevor Thielen
- Josh Satterlee
- Lara Roetzel
- Adam Shiffermiller
- Alex Weiss
- Josh Hendrickson
- Kelsey Weber
- Mark Vargo
- Arman Zeljkovic
- Tim Snyder
- Emily Lessin (not pictured)
- Stacy Wickre (not pictured)
- Heather Sazama (not pictured)







**Criminal Secretaries:** (Back row left to right,) Nicole Martin, Kate Ackerson, Bernie Schlepp, Janelle Barnier, Penny Wetch, Leah Anderson. (Front row,) Melanie Theissen, Brooke Romeo, Magda Canaday, Cindee Bittner, Mikenzi Petersen, Katrina Williamson, Cristina Zelfer-Dowling. (Not pictured: Vicki Alexander.)

## A Note on Drug Court



The Pennington County drug court program has been operating since 2016. The five-phase intervention program helps people who are significantly affected by drug addictions. The program differs in length based on the individual participant, but takes a minimum of fourteen months to complete. Pennington County had their first drug court participant graduate on March 21, 2018. The program continues to grow and currently has more than twenty participants.

**Adam Shiffermiller**

**Deputy State's Attorney  
Drug Court Representative**



## A Note on Veterans Court

The Pennington County Veterans Treatment Court is a voluntary program that provides intensive case management to adult felony offenders whose service in the U.S. Armed Forces has resulted in substance abuse and/or mental health disorders. The Veterans Treatment Court program is challenging and requires accountability on behalf of the veteran participants. The veteran participants are held accountable through regular court appearances before the Veterans Treatment Court Judge, frequent and random drug testing, substance abuse counseling and/or mental health counseling in individual and group settings, educational classes, a system of behavior modification based on incentives and sanctions, and intense community supervision by the Veterans Treatment Court Team. The mission of the Pennington County Veterans Treatment Court is to successfully rehabilitate veterans by redirecting them from the traditional criminal justice system, and providing them with the resources and earned benefits they need to lead productive law-abiding lives. The program length depends on each veteran participant's progress in meeting the requirements of the Veterans Treatment Court, but is no less than one year.



**Trevor Thielen**

**Deputy State's Attorney**

**Veterans Court Representative**

## A Note on DUI Court

**Josh Satterlee**

**Deputy State's Attorney**

**DUI Court Representative**



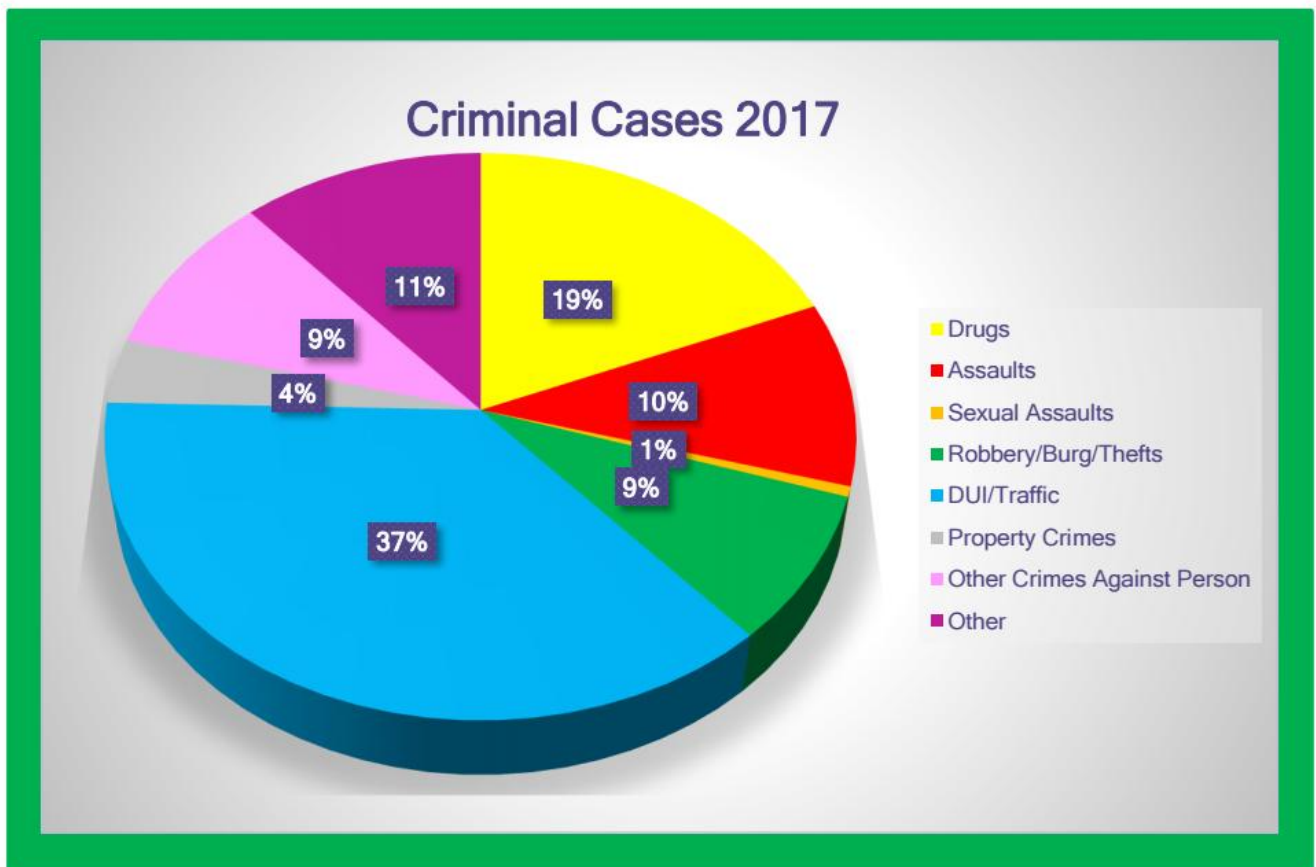
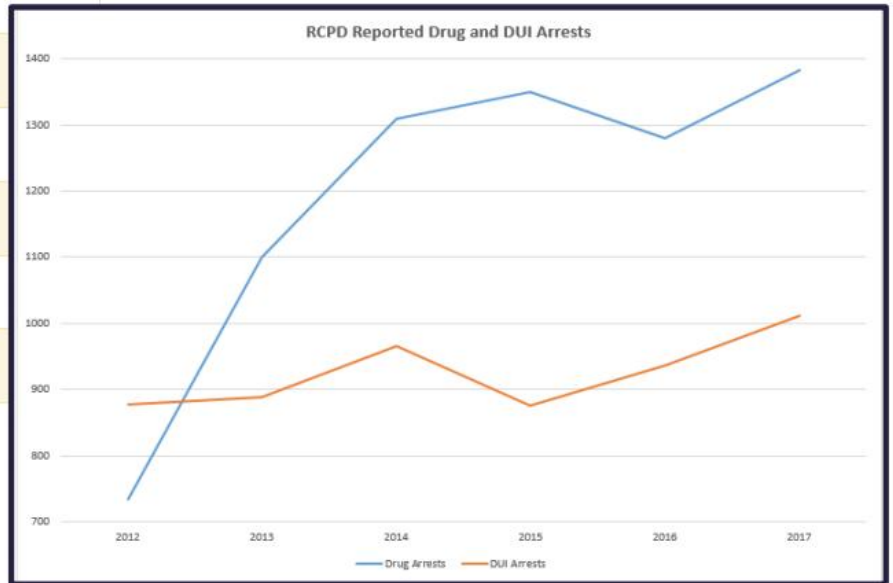
Pennington County DUI Court continues to enhance public safety by ensuring accountability through supervision, treatment and the support of community partnerships by reforming substance abuse offenders to sober law-abiding citizens. The Court provides habitual DUI offenders with the tools necessary for long term sobriety and helps address any problems these individuals are facing that are commonly the root of the substance abuse. However, working your way through DUI Court is no easy task. It typically takes an individual around two years to complete the program, with much of their time dedicated to treatment, AA meetings, regular visits with Court Service Officers, and at least once a month they have to go before the Judge. Every service available is offered to these individuals to provide the best chance of long term sobriety. The Pennington County DUI Court currently has 25 participants. We are also proud to report

that within the last year, we have had two graduations with a total of nine graduates honored.



CRIME CATEGORY	NUMBER
Drugs	2,884
Assaults	1,614
Sexual Assaults	89
Robbery/ Burglary/ Theft	1,307
DUI/ Traffic	5,694
Property Crimes	558
Other Crimes Against Persons	1,460
Other	1,760
<b>Total</b>	<b>15,366</b>

## CRIME STATISTICS FROM 2017

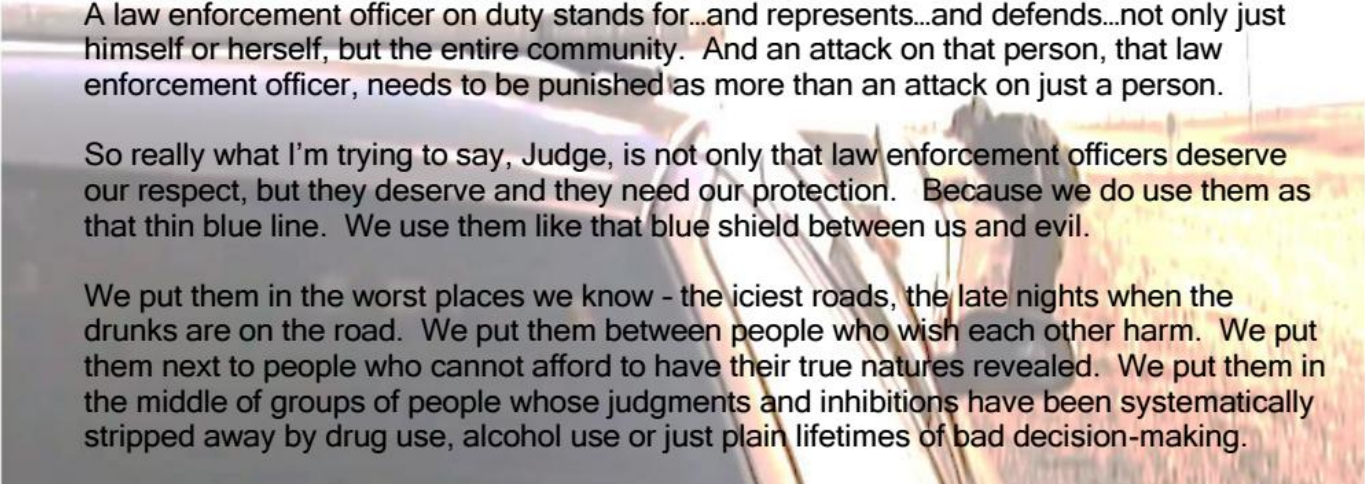


# CRIMINAL CASE HIGHLIGHT: STATE OF SOUTH DAKOTA VS. DONALD WILLINGHAM

One of the cases that defined 2017 for the Pennington County State's Attorney's office was the Attempted Murder of Trooper Zac Bader. The attack took place in 2015, but the case did not come to trial until the week before Christmas in 2017. The whole office rallied around what proved to be a successful prosecution, covering for Vargo and Josh Hendrickson so they could devote their time to the case. It was an emotional trial, highlighted by Zac's descriptions of how his nurses saved his life and his response when asked whether he had been able to walk out of the hospital under his own power, after many didn't think he would ever leave the hospital at all:

"Damn right, I did."

Having secured convictions for Attempted Murder, Aggravated Assault on a Law Enforcement Officer, along with other felony counts related to drugs and a firearm, the defendant at sentencing raised the question of why he should go to prison. Below is a small portion of the reason (as lifted from the transcript):



A law enforcement officer on duty stands for...and represents...and defends...not only just himself or herself, but the entire community. And an attack on that person, that law enforcement officer, needs to be punished as more than an attack on just a person.

So really what I'm trying to say, Judge, is not only that law enforcement officers deserve our respect, but they deserve and they need our protection. Because we do use them as that thin blue line. We use them like that blue shield between us and evil.

We put them in the worst places we know - the iciest roads, the late nights when the drunks are on the road. We put them between people who wish each other harm. We put them next to people who cannot afford to have their true natures revealed. We put them in the middle of groups of people whose judgments and inhibitions have been systematically stripped away by drug use, alcohol use or just plain lifetimes of bad decision-making.

We put them next to the degenerate, the amoral, the vile and the violent. And we tell these officers, these deputies, as we told this trooper:

"You cannot hesitate. You cannot waiver. And you cannot retreat...because behind you are the innocent and the vulnerable."

And the only protections, by the way, that we're going to give you when we put you in all these places are a Kevlar vest and this: that those law enforcement officers know, and more importantly that the evildoers know, that those who attack an officer will rightly be deemed to have attacked not just a single person, but the entire system and community that the officer represents and defends.

*The defendant is in the South Dakota State Penitentiary serving a sentence of 45 years. Zac Bader has been promoted to Sergeant and is back on the job.*



# CIVIL DIVISION



## Elected Offices & Commissions:

Auditor  
Board of Commissioners  
Planning Commission  
Register of Deeds  
Sheriff  
State's Attorney  
Treasurer

## Scope of legal services:

Attorneys in the Civil Division represent the above-referenced clients in matters of general litigation and appeals. The Civil Division also prosecutes involuntary mental illness commitments, drug and alcohol commitments, zoning violations, bus stop violations and cases involving failure to pay sales tax. Civil attorneys review and draft statutes, ordinances, contracts, joint powers agreements and real estate agreements involving the acquisition and disposal of County property. Legal advice is

The Civil Division within the State's Attorney's Office provides legal representation to the individual Offices and Departments within Pennington County Government, including the Planning Commission and County Board of Commissioners. Attorneys in the Civil Division encounter a wide range of issues in the field of civil government practice similar to what a private practice attorney may experience but with the additional responsibilities unique to representing government entities. In Pennington County, civil attorneys provide legal representation to the following offices and departments:

## Departments:

911 Dispatch  
Building and Grounds  
Emergency Management  
Equalization  
Fire Administration  
Health & Human Services  
Highway  
Human Resources  
Information Technology  
Planning and Zoning  
Public Defender  
Weed and Pest

routinely provided on matters involving planning & zoning, real property classification, assessment and collection of delinquent taxes, County liens, election laws, sheriff's levy and foreclosure sales, bidding rules, public records requests, open meetings law, and County economic assistance, just to name a few. The Civil Division has occasion to work directly with federal, state, local and tribal agencies on matters involving County business. Attorneys in the Civil Division can also be counted on to assist when needed in the Juvenile, Abuse and Neglect and adult criminal divisions within the office.



**Jay Alderman**

**Civil Chief  
Deputy State's  
Attorney**

## **CIVIL ATTORNEYS**

Jay Alderman  
Michael Hofmann  
Angela Shute  
**Juvenile:** Sarah  
Morrison  
**Abuse and Neglect:**  
Roxie Erickson  
(not pictured)





## CIVIL SECRETARIES

From left to right: Priscilla Borrego (A&N), Sandy Dulany (civil), Toni King (A&N), and Madison Preble (juvenile). (Not pictured: Jack Smith (juvenile))



## JUVENILE DIVISION

The Pennington County State's Attorney's Office handles all juvenile delinquency cases and all child in need of supervision cases filed in Pennington County. Delinquency is defined as a criminal act done by a juvenile between the ages of ten and seventeen. A child in need of supervision case involves behavior by a juvenile that is criminal only due to the juvenile's age (e.g. truancy or running away). Any juvenile under the age of eighteen can be subject to a child in need of supervision proceeding.

In 2017, the State's Attorney's Office formally prosecuted 1,382 juvenile cases for either delinquent acts or status offenses (Children in Need of Supervision). As the juvenile prosecutor, I chose to defer an additional 894 cases to the Pennington County Juvenile Diversion Program.

In addition to the in-court prosecution work, we also lead a variety of multi-agency meetings, such as:

- Weekly Truancy Staffing
- Weekly Runaway Staffing
- Monthly Multi-Agency Meetings



**Sarah Morrison**  
Deputy State's Attorney



# JUVENILE DIVERSION



From left to right: Brad Gardner (Juvenile Diversion Secretary,) Jessica Afrank (Teen Court Coordinator), Kim Morsching (JDP Coordinator), and Nicole Moore (Truancy Program Coordinator)

The Juvenile Diversion Program, which includes Teen Court and the Truancy Intervention Program, is a collaboration between the Pennington County State's Attorney's Office, the 7<sup>th</sup> Judicial Court, and local social service providers. It is offered as an alternative to court involvement for juvenile offenders ages 10-17. This program is designed to help offenders understand the consequences of their crimes and to help prepare them to make better choices in the future. While requirements are stringent, participants can complete the program while remaining in school and

participating in other ongoing activities.

In 2017, the Juvenile Diversion Program experienced an almost 75% increase in the number of cases referred to our Truancy, Teen Court and Juvenile Diversion programs. Tremendous growth, while maintaining program integrity, can be very challenging. The goal of Juvenile Diversion is to assist youth with three outcomes: (1) repair the damage done in the community or to the injured party, (2) make better decisions in the future, which may require the guidance of therapy or classes, and (3) to provide support to families to strengthen the youth's family unit. Over the past year, Juvenile Diversion completed 89% of their contracts successfully. To achieve this high of a success rate, we must have great community partners. Our programs, as well as the Victim/Offender Conferencing Programs, are grateful to the Pennington County community organizations and volunteers who assist us in redirecting our youthful offenders towards a brighter tomorrow.

**Kim Morsching**  
**Juvenile Diversion Program Coordinator**





# ADMINISTRATION

**"I'M THE PUBLIC FACE OF THE OFFICE. I FIELD MANY PHONE CALLS FROM BOTH THE PUBLIC AND DEFENSE COUNSEL, AND I ALSO HELP WALK-INS AT THE PUBLIC WINDOW. I FEEL AN ENORMOUS AMOUNT OF JOY THAT I'M ABLE TO MAKE THEIR LIVES JUST A TINY BIT EASIER." -BRAD GARDNER, FRONT DESK COORDINATOR**



**Our administrative team (from left to right): Jill Hower (Zuercher Specialist/ Tech Support,) Brad Gardner (Reception) and Susan Shepard (Office Manager.) Our State's Attorney and Chief Deputies also have many administrative duties.**

**"I HANDLE THE FINANCIAL SIDE OF THE SAO, FROM PREPARING BUDGETS TO PAYING BILLS AND EMPLOYEES. MY FAVORITE PART OF WORKING IN THIS CAPACITY IS THAT I GET TO DEVELOP RELATIONSHIPS WITH ALL OF THE EMPLOYEES RATHER THAN JUST THOSE IN A PARTICULAR DIVISION." -SUSAN SHEPARD, OFFICE MANAGER**

**"I HANDLE SOFTWARE & WEBSITE MAINTENANCE, TROUBLE SHOOTING, AND REPORT BUILDING AND DATA MINING. THE THING I MOST ENJOY ABOUT MY JOB IS THE ABILITY TO CREATE WITHIN SOFTWARE TO MAKE THE OFFICE RUN SMOOTHLY. I WORK TO STREAMLINE DAY-TO-DAY PROCESSES." -JILL HOWER, I.T.**

# OFFICE INTERNS

The Pennington County State's Attorney's Office is proud of our recruitment and retention of quality young people who are provided an opportunity to job shadow and intern with us. As high-school and college interns, students get the opportunity to learn the interworking of the criminal justice system, while at the same time, offering a helping hand around the office. As law school interns, students get hands-on prosecutorial experience by helping review cases and speaking in court proceedings.

## Rachelle Norberg

Rachelle worked as a 2L summer intern. Rachelle



graduated from the University of South Dakota school of Law in 2018 and is now practicing in Burke, SD.

## Kay Luther

Kay spent the summer of 2017 as an extern for SAO. Kay graduated from the University of South Dakota School of Law that December and is now employed as a Deputy State's Attorney in Meade



County, SD. She enjoyed being treated as if she was a new prosecutor with our office, which means she got to regularly appear in misdemeanor court, among other things.

## Cale Fierro

Cale worked as a summer intern after graduating from the University of Wyoming in May 2017. Cale now attends the University of Nebraska School of Law. He enjoyed getting to work with the Young Adult Diversion program.



## Jackson Schad

Jackson worked as an intern beginning in the Fall of 2017 through the Spring of 2018 while a senior at Saint Thomas Moore High School. Looking ahead, Jackson will be a freshman at the University of Nebraska-Lincoln in the fall of 2018. He enjoyed getting to help with case prep.



# MARSY'S LAW

## South Dakota Crime Victim's Rights – Marsy's Card

A victim shall have the following rights, beginning at the time of victimization:

- 1 The right to due process and to be treated with fairness and respect for the victim's dignity;
- 2 The right to be free from intimidation, harassment and abuse;
- 3 The right to be reasonably protected from the accused and any person acting on behalf of the accused;
- 4 The right to have the safety and welfare of the victim and the victim's family considered when setting bail or making release decisions;
- 5 The right to prevent the disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information about the victim, and to be notified of any request for such information or records;
- 6 The right to privacy, which includes the right to refuse an interview, deposition or other discovery request, and to set reasonable conditions on the conduct of any such interaction to which the victim consents;
- 7 The right to reasonable, accurate and timely notice of, and to be present at, all proceedings involving the criminal or delinquent conduct, including release, plea, sentencing, adjudication and disposition, and any proceeding during which a right of the victim is implicated;
- 8 The right to be promptly notified of any release or escape of the accused;
- 9 The right to be heard in any proceeding involving release, plea, sentencing, adjudication, disposition or parole, and any proceeding during which a right of the victim is implicated;
- 10 The right to confer with the attorney for the government;
- 11 The right to provide information regarding the impact of the offender's conduct on the victim and the victim's family to the individual responsible for conducting any pre-sentence or disposition investigation or compiling any pre-sentence investigation report or plan of disposition, and to have any such information considered in any sentencing or disposition recommendations;
- 12 The right to receive a copy of any pre-sentence report or plan of disposition, and any other report or record relevant to the exercise of a victim's right, except for those portions made confidential by law;
- 13 The right to the prompt return of the victim's property when no longer needed as evidence in the case;
- 14 The right to full and timely restitution in every case and from each offender for all losses suffered by the victim as a result of the criminal conduct and as provided by law for all losses suffered as a result of delinquent conduct. All monies and property collected from any person who has been ordered to make restitution shall be first applied to the restitution owed to the victim before paying any amounts owed to the government;
- 15 The right to proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related post-judgment proceedings;
- 16 The right to be informed of the conviction, adjudication, sentence, disposition, place and time of incarceration, detention or other disposition of the offender, any scheduled release date of the offender, and the release of or the escape by the offender from custody;
- 17 The right to be informed in a timely manner of all post-judgment processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. Any parole authority shall extend the right to be heard to any person harmed by the offender;
- 18 The right to be informed in a timely manner of clemency and expungement procedures, to provide information to the Governor, the court, any clemency board and other authority in these procedures, and to have that information considered before a clemency or expungement decision is made, and to be notified of such decision in advance of any release of the offender; and
- 19 The right to be informed of these rights, and to be informed that a victim can seek the advice of an attorney with respect to the victim's rights. This information shall be made available to the general public and provided to each crime victim in what is referred to as a Marsy's Card.

A victim is defined as a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. A victim also includes any spouse, parent, grandparent, child, sibling, grandchild, or guardian, and any person with a relationship to the victim that is substantially similar to a listed relationship, or a lawful representative of a victim who is deceased, incompetent, a minor, or physically or mentally incapacitated. A victim is not the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor or incapacitated victim.

The victim, the retained attorney of the victim, a lawful representative of the victim, or the attorney for the government, upon request of the victim, may assert and seek enforcement of these rights and any other right afforded to a victim by law in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority shall act promptly on such a request.

Bond may be set for certain offenses without a proceeding. In those cases, notice to the crime victim may not be provided before release.

Crime victims may obtain additional information regarding these rights by logging on to <http://atg.sd.gov/victim/marsyslaw.aspx>.

Victims of certain crimes may seek enforcement of these rights by logging on to <http://savin.sd.gov>, or by contacting the Pennington County State's Attorney's Office.

Pennington County States Attorney's Office  
130 Kansas City Street, Suite 300, PO Box 6160, Rapid City, SD 57709  
Telephone (605) 791-7898 (Answered 7:00 am to 5:00 pm. Voicemail available 24 hours a day.)  
Fax (605) 394-1919  
Email: [Victims@pernco.org](mailto:Victims@pernco.org)

In the November 2016 election, voters passed Amendment S to the South Dakota State Constitution making Marsy's Law a reality. The SAO really saw the ramifications of this legislation in 2017 as we vigorously worked to hire and train victim's assistants, and to adjust to the new victim's rights policies. However, in 2018, a positive change to Marsy's was voted into existence. The most to-date victim's rights card is shown here to outline all of what is offered to victims under Marsy's Law. Still have questions? Please reference [atg.sd.gov/victim/marsyslaw.aspx](http://atg.sd.gov/victim/marsyslaw.aspx) for more information and resources.



# VICTIM'S ASSISTANCE

2017 was an exciting year for the SAO Victim's Assistance Program. With the passage of Marsy's Law, our office expanded—new faces were added and new protocols were made. It has been a learning year, in which change was the new normal. Two advocates were put in charge of felonies, and misdemeanors, respectively, and a new felony (VOCA) Victim's Advocate was added to handle violent crimes. Another advocate was assigned to handle just Domestic Violence cases, and another is our restitution specialist. We continue to keep learning as we go and as Marsy's Law keeps changing. We are working hard to provide the best possible advocacy for the victims of crime in Pennington County.



**Mike McCormick**

**Victim's Assistance Coordinator**

## What is Victim's Assistance?

Victims of crime have experienced a traumatic event, and that is where our program, Victim's Assistance, comes in—to help victims navigate through the court system. As a victim of a crime, the judicial system can be something they have never experienced before, and many are left to wonder what it all means. The advocates are here to provide these people support, information regarding the rights/services we offer them, protection orders, financial impact statements/restitution, victim impact statements, court proceedings, the Crime Victim Compensation Act, and

information on community resources that might further help them through this tough time. Often, when notifying the victim of a court proceeding, the advocate will get additional information from the victim that can then be provided to the prosecutor to further impact the case. Victim input is important throughout the entire court proceeding, and the advocate ensures the victim's voice is heard. Additionally, advocates have received extensive training to prepare them for this line of work, including that on the impact of physical and sexual violence, etc.

**Victim's Advocates: (top row, left to right) Mike McCormick, Darryl Keys, (bottom row) Beth Tice Eiesland, Shawnda Scott, Rochelle Redetzke, and Lisa Mooney. (Not pictured: Kaia Carlson.)**





# YOUNG ADULT DIVERSION

The Young Adult Diversion Program started in 2016. The program is for 18-25 year olds with limited criminal history and accepts misdemeanors and low level felonies. There is no fee to participate in the program. The premise is that it has to be harder than pleading guilty to complete the program, and the young adult will have to perform either community service, training & education, job shadowing, internships or employment, counseling and evaluations, or participating in culturally appropriate programming. Our motto is that the State will not take the walk for them, but will "light the path" for them to do it themselves.

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*"I was addicted to drugs....this program saved my life".*

---

*"I was smoking marijuana every day, didn't have a High School diploma and no job. Now I have my diploma, a job and I received 3 scholarships and have started college".*

The program prides itself on individually tailored requirements for each person. Participants who are accepted into the program have 3-4 months to complete their requirements. Once they complete their requirements the State will dismiss their charges. If the

participant then stays out of trouble for a period of one year, the State will not oppose a motion to expunge or clear their record, including the arrest. This allows the young adult to not suffer from the negative consequences of a criminal conviction that could greatly affect

their future, such as regarding student loans, employment and housing.

Looking into 2018, there have been over 600 referrals to the program. Over 360 young adults have completed their initial requirements or their 'obey all laws' period. The success rate to date is 87%.



**Marty Krause**

**Young Adult Diversion Case  
Manager**

## A NOTE ON OUTREACH AND INITIATIVES

### Pennington County Safety and Justice Challenge (SJC)

In December 2017, Pennington County received a \$1.75 million grant from the John D. and Catherine T. MacArthur Foundation to fund the Pennington County Safety and Justice Challenge (SJC). The purpose of Pennington County SJC is to reduce the local jail population with specific goals to reduce: (1) the overrepresentation of our Native American citizens in the jail as compared to their percentage of the county population, and (2) the overrepresentation of low-level non-violent offenders in the jail population. Two of the SJC initiatives spearheaded by Pennington County State's Attorney's Office are: (1) the Warrant Resolution Initiative, and (2) Young Adult Diversion Outreach. To oversee these initiatives,

MacArthur funds were allocated to the State's Attorney's Office for an SJC attorney liaison, which is the position I currently hold. Furthermore, the State's Attorney's Office has used the



SJC funds to contract with tribal community member, Erik Bringswhite, in the position of SJC community outreach coordinator, to assist the office in its outreach efforts to tribal communities in or neighboring Pennington County.

#### Warrant Resolution Initiative:

The Warrant Resolution Initiative involves outreach by the Pennington County State's Attorney's Office (SAO) via its attorney liaison and community outreach coordinator to assist community members in resolving active warrants. This outreach effort includes travel to the reservations surrounding Pennington County to make tribal leaders and community members aware of the assistance Pennington County can provide to help individuals resolve outstanding warrants. The SAO created a toll free number at 1-800-262-2149 which can be called anonymously by citizens so they can receive assistance and advice about resolving active warrants. The type of resolution for the warrant depends on the severity of the warrant itself. Many low-level misdemeanors and traffic offenses can be resolved fairly easily and,



often times, the SAO attorney liaison can help get the warrant resolved without the community member having to travel to the courthouse. For more serious or complicated warrants, the attorney liaison can assist the community member in understanding the court process, including: linking the community member back to their defense attorney, if they are represented, or explaining the “how” and “when” of the self-turn-in process in Pennington County. Because approximately 45% of all active warrants in Pennington County are presently class 2 misdemeanors (low-level/non-violent), one of the goals of the Warrant Resolution Initiative is to reduce arrest rates in Pennington County by helping community members resolve these low-level warrants before an encounter with law enforcement.

### **Young Adult Diversion Outreach:**

Adding on to what has already been said about YADP, I will note that our staff is keenly aware that in order to better serve the young adults living in tribal communities, YADP needs to create tribal community partnerships to allow for individually-tailored and culturally relevant programming to meet the young adults’ needs. In this vein, SJC funds have allowed for myself and YADP coordinator, Marty Krause, to begin intensive outreach efforts to tribal communities within and neighboring Pennington County. These efforts include weekly trips to neighboring reservations to meet with YADP participants living there, as well as with tribal community leaders, service providers and concerned citizens. Such meetings and budding partnerships have allowed YADP to expand its programming resources for Native American participants and to receive valued insight from tribal community members regarding the



implementation of our services there. The ultimate result has been that young adults living on the reservations now have better access to individually-tailored programming in their local community. We currently have an accompanying recidivism rate of only 7.5 %.

**Carolyn Olson**  
**SJC and MacArthur Grant**  
**Attorney Liaison**



# STAFF ACCOLADES

The highest honor that a prosecutor can receive in South Dakota is the "Prosecutor of the Year" Award, given by the South Dakota State's Attorneys Association. Chief Deputy Lara Roetzel was recognized as the very best of the best for 2017 by her peers. The award was that much more meaningful because she was nominated by Kevin Krull, the Meade County State's Attorney, himself a former Pennington County Chief Deputy.

Lara was specifically recognized for all of her roles within Pennington County over the years, where she has had a hand in almost every aspect of the office over the last 20+ years. Whether in her role as Criminal Chief, Civil Chief or felony prosecutor, she has set the standard for professionalism and passion over the course of her career.



Lara also used the occasion to thank her family (including her husband, Scott, himself a former Pennington County Chief Deputy and Prosecutor of the Year in 2014) and her "village" of girl-friends who help support her and keep her sane. She also recounted some of the challenges that she has faced being a woman in the legal realm in what was, at least when she started, very much a man's world:

*"Lady Prosecutors, stand up. Alright you listen to me: you guys are awesome. I have a quick message for you. A prosecutor's job is hard; your job is harder. I have had more things 'man-splained' to me than I care to recount, and you know exactly what I mean. You women are bad ass prosecutors. I've had a motion filed to make me establish the fact that I am a female. I've had a chief deputy prosecutor tell me not to wear a pink suit to work. I've been ridiculed by a judge for wearing pants...all of these things happen to lady prosecutors. I've had a Supreme Court case, one of the biggest cases of my career, 'man-splained' to me by another attorney, not knowing that I had prosecuted the case. This is your reality. You have to work harder, you have to hustle more. But do not forget who you are. Hold fast to your femininity, to your inner strength; find your girlfriends and keep fighting the fight. Because you are bad ass women."*

Pennington County is grateful to have a leader like Lara and is proud to be where she learned her trade and where she leads and inspires the next generation of prosecutors.



## ACCOLADES (CONT.)

In April 2017, Abuse and Neglect Attorney Roxie Erickson was a keynote speaker at the "Western South Dakota Child Protection Council's" 2017 Awards Luncheon.

At the 2018 luncheon, Deputy State's Attorney Heather Sazama received a Child Abuse Recognition Award for her efforts in 2017. This award is given to a person who exemplified child abuse prevention work and helps to strengthen families within their homes and in the community. Deputy State's Attorney Roxie Erickson, who nominated Heather for this prestigious award wrote:

"Heather has prosecuted many difficult cases and has worked extensively with victims of crimes, including children. Heather works tirelessly to bring justice to those who have been victimized and traumatized. Heather is an inspiration to others with her dedication to providing a safe community for the benefit of others."



Deputy States Attorney Sarah Morrison was recognized by the Pennington County Bar Association as the Exceptional Lawyer of the Year. She was nominated by Judge Jane Wipf Pfeifle for her outstanding work in front of the Judge as the juvenile court prosecutor. The award specifies that it is "In recognition of integrity, leadership, and exemplary service to the community and the Bar."

**Congratulations to all three of these dedicated women, and thank you for all you do!**



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## 20+ YEAR EMPLOYEES

Susan Shepard—20  
years

Jay Alderman—22  
years

Janelle Barnier—22  
years

Jack Smith—22 years

Lara Roetzel—22  
years

Melanie Theissen—23  
years

Rochelle Redetzke—  
24 years

Sandy Dulany—28  
years

Pennington County and the State's Attorney's Office thank you for your many years of valued service. The Office would not operate as efficiently without you, nor would the streets of our county be as safe without you.